



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 15, 1998

Ms. Kristi A. Taylor
Assistant City Attorney
Neiman & Barnes, L.L.P.
P.O. Box 777
Lewisville, Texas 75067

OR98-3121

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120568.

The City of Lewisville Police Department (the "city") received a request for information pertaining to a particular accident report. You say that the "accident report and documents filed with the court have been released to the requestor." You seek to withhold the remaining information responsive to the request under section 552.108 of the Government Code.

Section 552.108(a)(1) of the Government Code excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

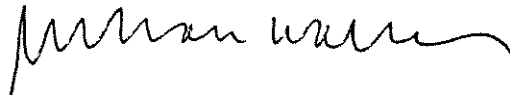
(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

You advise that requested information relates to "an investigation that has not been prosecuted as of yet" and that "[t]his case is currently pending trial at this time." Based on your representations, we conclude that you may generally withhold under section 552.108(a)(1) the submitted information you have not yet released in response to the request.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the city must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "William Walker", with a stylized, flowing script.

William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref.: ID# 120568

Enclosures: Submitted documents

cc: Mr. Roger Hedrick
1535 Camellia Drive
Lewisville, Texas 75067
(w/o enclosures)